

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TANYA NEMCIK,  
Plaintiff,  
v.  
STACEY STEVENS, et al.,  
Defendants.

Case No. 16-cv-00322-BLF

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE AND EXTENDING  
DEADLINE FOR FILING AN  
AMENDED COMPLAINT**

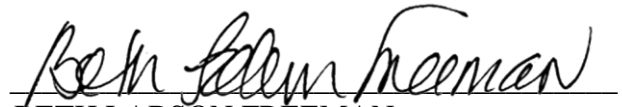
On October 26, 2016, the Court issued an Order to Show Cause why the case should not be dismissed for Plaintiff Tanya Nemcik (“Nemcik”)’s failure to file an amended complaint by the September 16, 2016 deadline and for failure to prosecute. ECF 95. In response to the Order to Show Cause, Nemcik has moved for continuance. ECF 96. Nemcik stated in her response that she was not able to timely amend her complaint because of other court proceedings, death in the family, and other reasons. *Id.* This request for continuance remains unopposed and the Court finds good cause to grant this continuance. Accordingly, the Court DISCHARGES the prior Order to Show Cause and GRANTS the motion to extend the deadline for Nemcik to file an amended complaint on or before January 3, 2017.

The Court notes that Defendants Georgia Ku, Edward Mills, Evalina Barth, and Department of Child Support Service of Santa Clara County have already been dismissed from this action based on the Court’s prior order on motions to dismiss. ECF 92. If Plaintiff does not file an amended pleading by January 3, 2017, the Court will dismiss the action against the

1 following Defendants –Stacey Stevens, Victoria Henley, and Rick Secrist – pursuant to Federal  
2 Rule of Civil Procedure 41(b) without further notice. Fed. R. Civ. P. 41(b); *Hells Canyon Pres.*  
3 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005).

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5 **IT IS SO ORDERED.**

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7 Dated: December 6, 2016

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9 BETH LABSON FREEMAN  
United States District Judge

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